50 S.B.Civil Writ Petition No.4097/2000

Date of Order : 02-08-2004

HON'BLE MR. N.P.GUPTA,J.

Mr.Sudhir Sharma , for the petitioner.

Mr.N.S.Acharya, for respondents.

Mrs. R.R.Kanwar, Addl. G.A.

Heard learned counsel for the parties.

It has been informed by the learned counsel for contesting respondents that sole petitioner Bhim Singh has been expired, and his Legal representatives have not been brought on record. To this, learned counsel for the petitioner submits that Legal Representatives of late Bhim Singh, are already respondents, and he only wants to bring them as petitioners on record. Learned counsel for the petitioner further submits that after the death of petitioner Bhim Singh, mutation has been recorded in the name of non-contesting respondents, and also submits that finding of court below is that contesting respondents are not in possession. If that be the situation, then the non-contesting respondents i.e. Legal Representatives of petitioner Bhim Singh, will obviously be free to contest their own rights in accordance with law. The writ petition cannot be said to be any more surviving. Accordingly, the same is, therefore, dismissed.

(N.P.GUPTA),J.

Srawat/-